

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

VERLIE LEE HENDERSON, #199786 §  
VS. § CIVIL ACTION NO. 6:05cv383  
DOUG DRETKE, ET AL. §

ORDER OF DISMISSAL

Plaintiff Verlie Lee Henderson, a prisoner confined in the Texas prison system, filed this civil rights lawsuit about parole procedures. The complaint was referred to United States Magistrate Judge Harry W. McKee, who issued a Report and Recommendation concluding that the case should be dismissed. The plaintiff has filed objections.

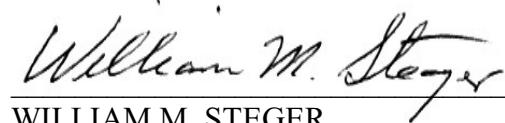
The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the plaintiff, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections by the plaintiff are without merit. A prisoner may not obtain federal relief unless he has been deprived of some right secured to him by the Constitution or the laws of the United States. *Orellana v. Kyle*, 65 F.3d 29, 31 (5th Cir. 1995). The plaintiff does not have a constitutionally protected liberty interest in parole, thus he does not have a basis to challenge parole procedures. *Allison v. Kyle*, 66 F.3d 71, 74 (5th Cir. 1995). He does not have a basis for a potentially meritorious civil rights lawsuit. The lawsuit fails to state a claim upon which relief may be granted and is frivolous in that it lacks any basis in

law and fact. It should be dismissed pursuant to 28 U.S.C. § 1915A(b)(1). Thus the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

**ORDERED** that the cause of action is **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915A(b)(1). All motions by either party not previously ruled on are hereby denied.

The present lawsuit is the fourth case and/or appeal filed by the plaintiff that has been dismissed as frivolous. He may not file any new *in forma pauperis* civil action or appeal while incarcerated or detained in any facility unless he is under imminent danger of serious physical injury. 28 U.S.C. § 1915(g).

**SIGNED this 22nd day of November, 2005.**



William M. Steger  
WILLIAM M. STEGER  
UNITED STATES DISTRICT JUDGE